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SUBJECT: CONGRESS PREPARES TO DEBATE DEMOBILIZATION LAW

REF: A. BOGOTA 3922

[B](#). BOGOTA 3555

[1](#)1. (U) Summary: Debate and article-by-article voting on the demobilization law is likely to begin the week of May 23 in the plenaries of both houses of Congress. The GOC sponsors have submitted a draft to Congress proposing several changes to what was passed in committee. Senator Rafael Pardo and his supporters have submitted a rival draft, calling for required confession and swamping Colombia's international debt for a reparations fund. On May 17, the plenary approved an appeal for articles on sedition and blanket sentence reductions to be re-voted in committee, albeit a different committee. The predominantly pro-Uribe Second Committee (Defense, Foreign Relations, and Trade) will likely vote on the two articles, most likely on May 24. End summary.

Plenary Debate Pending

[1](#)2. (SBU) The Justice and Peace law has been on the agenda for plenary debate in both houses of Congress since early May. Other bills, including pension reform and reelection implementing legislation (Ref A), have pushed it to a lower spot on the agenda. Quorum busting, in particular by the Conservative Party, caused further delays. Debate and article-by-article voting will probably begin the week of May [1](#)23. Peace Commissioner Luis Carlos Restrepo has said there may not be enough time to complete action on the bill before Congress adjourns on June 20. In that case, the GOC would re-submit the bill during the follow-on session to begin on July 20. Unlike the joint committee debate, House and Senate plenary debate and voting will be held separately.

Sponsors Present Drafts

[1](#)3. (U) The GOC sponsors of the bill, including "Uribista" Senators Claudia Blum, Mario Uribe (President Uribe's first cousin), and Luis Humberto Gomez Gallo, presented a draft ("ponencia") on April 28. The plan calls for several changes to be made to the text passed at the committee level, including:

-- Making the requirements for individual and collective demobilized the same (the text passed in committee has slightly different requirements. It requires individuals to be debriefed for intelligence purposes and blocks individuals who personally benefited from drug trafficking. Collective demobilized are not required to provide intelligence and are blocked if they were drug traffickers before joining an illegal armed group).

-- Specifying deadlines: the investigators must report the results of the beneficiary's open statement to the superior district court within 12 hours of receiving it and the beneficiary must be investigated in 30 days total.

-- Making parole one third of the time in confinement.

-- Adding text stating that beneficiaries must give reparations only if they have them.

-- Continuing to refuse to acknowledge an armed conflict (in committee, Pardo's proposal to make reference to a conflict was rejected. The sponsors reiterated that they will not accept it during the plenary debate).

-- Allowing the GOC to extend the law's scope to facilitate a peace process with other illegal armed groups (the text passed in committee says the law will only cover crimes committed before the law goes into effect).

[1](#)4. (U) On May 13, Pardo and his supporters presented a rival draft. It requires confession, makes reference to an internal armed conflict, and proposes exchanging foreign debt into a reparations fund. Pardo has said publicly that he believes the GOC has enough votes to pass its version but it would not satisfy standards of truth, justice, or reparations.

Sedition and Sentence Reductions Back to Committee

15. (U) The Senate First Committee (Constitutional and legal issues) had earlier rejected articles making paramilitarism an act of sedition (Article 64) and permitting blanket sentence reductions for all prisoners currently doing time (Article 61). On May 17, the Senate plenary approved an appeal to authorize a re-vote on Articles 61 and 64 in a different committee. The plenary approved the motion (58 votes in favor; 18 against; 26 abstentions or not present). The Second Committee, which is pro-Uribe, is likely to approve both articles the week of May 23, according to Committee Chair Manuel Ramiro Velasquez. The GOC had repeatedly emphasized it would push to re-insert a sedition article so that guerrillas and paramilitaries would be treated equally (Ref B). During earlier committee debate, many argued that a blanket sentence reduction had no place in a demobilization law, but others argued it was unjust to deny all prisoners the same benefits as demobilized.

16. (SBU) Comment: Embassy is working to improve language relating to confession and to ensure against any operational connection with "political crimes" that could impede extradition. We are also trying to improve time limits. The Senate Second Committee is all but certain to pass Articles 61 and 64. While full Senate and House debate on the entire bill is possible next week, it might slip further. Other legislation, such as pension reform and reelection implementation, requires more rounds of debate and voting than Justice and Peace. The Conservative Party, erstwhile ally of President Uribe, has been working to bust quorum in a pressure tactic to ensure that the President's nominees for Prosecutor General (Fiscal) are Conservatives. The debate over reelection implementing legislation, which includes proposed regulations to create a level playing field for the opposition in the May 2006 presidential election, continues to be tense. Left and center-left parties have also been blocking progress on this high-stakes issue owing to strong differences with the GOC and Uribistas.

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